



4864-215107 \$11,500.00

OFFICE OF  
INSURANCE COMMISSIONER

In the Matter of

NEW YORK LIFE INSURANCE  
AND ANNUITY CORPORATION,

An Authorized Insurer

No. D06-343

CONSENT ORDER  
IMPOSING A FINE

Findings of Fact:

1. New York Life Insurance and Annuity Corporation ("NYLIAC") is authorized to conduct insurance business in Washington State. It issues life and disability insurance.
2. NYLIAC electronically filed its calendar year 2004 Annual Statement with the Office of the Insurance Commissioner ("OIC") on February 28, 2005, but the Separate Accounts Statement was not in the filing.
3. NYLIAC electronically filed the 2004 Separate Accounts Statement with the OIC on April 29, 2005.
4. NYLIAC electronically filed its calendar year 2005 Annual Statement and Separate Accounts Statement on February 28, 2006. The OIC received the paper Jurat signature pages on May 9, 2006. The paper signature pages for NYLIAC's calendar year 2005 Statement of Actuarial Opinion and Statement of Non-Guaranteed Elements were filed with the OIC on May 31, 2006.

Conclusions of Law:

1. NYLIAC's failure to timely file complete calendar year 2004 and 2005 Annual Statements with the OIC constitutes two violations of RCW 48.05.250.
2. RCW 48.05.185 authorizes the Commissioner to impose a fine in lieu of or in addition to the suspension or revocation of an insurer's certificate of authority.

Consent to Order:

NYLIAC consents to the following, in order to resolve this matter without further legal or administrative proceedings. The Insurance Commissioner consents to resolve this matter in consideration of NYLIAC's payment of a fine as set forth below.

1. NYLIAC consents to the entry of the foregoing Findings of Fact and Conclusions of Law, and acknowledges its duty to comply fully with all applicable laws and regulations of the

State of Washington. It waives further administrative or legal challenge to the actions taken by the Insurance Commissioner that are related to the subject matter of this Order.

2. Within thirty days of the entry of this Order, NYLIAC will pay to the Insurance Commissioner a fine in the amount of \$1,500 (one thousand five hundred dollars).

3. Failure to pay the fine in full within thirty days of the entry of this order will constitute grounds for revocation of the certificate of authority held by NYLIAC in Washington State. It will also result in a civil action being brought by the Attorney General on behalf of the Insurance Commissioner, to recover the fine.

Executed this 16th day of February, 2007.

NEW YORK LIFE INSURANCE AND ANNUITY CORPORATION

By: [Signature]

Printed Name: Catherine A. Marnon

Printed Corporate Title: Vice President & Secretary

Pursuant to the foregoing Findings of Fact, Conclusions of Law, and Consent to Order, the Insurance Commissioner orders as follows:

Order:

1. New York Life Insurance and Annuity Corporation shall forthwith file the paper signature pages for its calendar year 2005 Statement of Actuarial Opinion and Statement of Non-Guaranteed Elements with the OIC.

2. New York Life Insurance and Annuity Corporation is ordered to pay, within thirty days of the entry of this order, a fine in the amount of \$1,500 (one thousand five hundred dollars).

3. Failure to pay the fine timely and in full will constitute grounds for revocation of the certificate of authority held by the insurer in Washington State. It will also result in a civil action being brought by the Attorney General on behalf of the Insurance Commissioner, to recover the fine.

Executed this 19th day of February, 2007

MIKE KREIDLER

Insurance Commissioner

By: [Signature]

Marcia G. Stickler

Legal Affairs Division